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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,726	03/23/2001	John Kroeker	ELZK-004	8193

7590

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EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/815,726	Applicant(s) KROEKER ET AL.	
	Examiner Mohammad A. Siddiqi	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/01/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7-10 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-10 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/31/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-4, 7-10, and 19-21 are presented for examination. Claims 5, 6, and 11-18 have been cancelled. Claims 20 and 21 are new.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 10/31/2005 was filed after the mailing date of the Office Action on 03/02/2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.
3. The nonstatutory double patenting rejection has been withdrawn.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4, 7-9, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (6,587,822) (hereinafter Brown) in view of Jochumson et al. (6,453,290) (hereinafter Jochumson).

6. As per claim 1, Brown discloses a speech application system (Figure 2, element 122, col 4, lines 31-41), comprising:

A. a speech recognition (SR) system (Figure 2, element 122, col 4, lines 31-41) configured to receive an audio input (figure 1, element 108, col 3, lines 10-15) and; (col 13, lines 30-36) (130,112,120,122,124, fig 2, col 13, lines 19-35);

B. a speech application script (col 2, lines 9-21 and col 13, lines 19-25), loaded at the SR system and configured to task said SR system script (col 2, lines 9-21 and col 13, lines 19-25),; and (col 2, lines 9-21 and col 13, lines 19-25)

Brown does not specifically disclose generate a result object representing all possible context-dependent interpretations of said audio input so as to be context independent; said application script defining one or more application contexts said application contexts being represented as categories of interpretation;

C. result object evaluator, configured to receive result object and said one or more application, as a function thereof, to generate a specific

interpretation result corresponding to said audio input, and to return said interpretation result to said application script.

However, Jochumson discloses generate a result object representing all possible context-dependent interpretations of said audio input so as to be context independent (205-235, fig 3; col 4, lines 1-67); said application script defining one or more application contexts said application contexts being represented as categories (grammar representation is based on user selected exercise, col 4, lines 43-53) of interpretation (205-235, fig 3; col 4, lines 1-67);

C. result object evaluator, configured to receive result object and said one or more application, as a function thereof, to generate a specific interpretation result corresponding to said audio input, and to return said interpretation result to said application script (205-235, fig 3; col 4, lines 1-67; col 5, lines 4551; fig 5). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Brown and Jochumson. The motivation would have been developing Web-based speech recognition system using Microsoft corporation Speech API (SAPI).

7. As per claim 2, the claim is rejected for the same reasons as claim 1, above. In addition, Brown discloses one or more of said application script is

included in a Web page (col 14, lines 13-21).

8. As per claim 4, the claim is rejected for the same reasons as claim 1, above. In addition, Brown discloses an application script includes programming code written in a language chosen from a group of scripting languages comprising (1) Jscript; (2) PerlScript; and (3) Vbscript (col 14, lines 1-14, Javascript, Jscript, PerlScript, and Vbscript scripting languages embedded in web page development).

9. As per claim 7, the claim is rejected for the same reasons as claim 1, above. In addition, Brown discloses audio the input is received from a device chosen from a group comprising (figure 1, element 108, col 2, lines 61-67, col 3):

A. a telephone (figure 1, element 106-1, col 2, lines 61-67; col 3, lines 1-22);

B. a cellular telephone (figure 1, element 106-1, col 2, lines 61-67; col 3, lines 1-22);

C. a personal computer (figure 1, element 106, col 2, lines 61-67; col 3, lines 1-22);

D. an application server (figure 1, element 106-N, col 2, lines 61-67; col 3, lines 1-22); and

E. an audio receiver (figure 2, element 108, col 2, lines 61-67; col 3, lines 1-22).

10. As per claim 8, the claim is rejected for the same reasons as claim 1, above. In addition, Brown discloses an audio input is received via a network comprised of one or more wire or wireless networks from a group (figure 1, element 108, col 2, lines 61-67) comprising:

A. a telephone network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);

B. a cellular telephone network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);

C. a LAN network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);

D. a WAN network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);

E. a virtual private network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);

F. the Internet network (figure 1, element 106-1, col 2, lines 61-67);
and

G. the Web network (figure 1, element 106-1, col 2, lines 61-67).

11. As per claim 9, the claim is rejected for the same reasons as claim 1, above. In addition, Brown discloses valid interpretations of said audio input includes all valid interpretations of said audio input within said context (col 13, lines 18-36).

12. As per claim 19, the claim is rejected for the same reasons as claim 1, above.

13. As per claims 20 and 21, claims are rejected for the same reasons as claims 1 and 19, above. In addition, a set of reusable object oriented interface (interfaces must be reusable, since the invention is web based IVR and using scripts and java programming language, Figure 2, element 122, col 4, lines 31-41) local to the SR system, said interfaces configured to interface said application script with SR system (col 2, lines 9-21; col 3, lines 40-53; PML).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

15. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (6,587,822) (hereinafter Brown) in view of Jochumson et al. (6,453,290) (hereinafter Jochumson) as applied to claims 1, 2, 4-9 and 20 above, and further in view of Mikurak et al. (6,606,744) (hereinafter Mikurak).

16. As per claim 3, Brown and Jochumson both fails to teach interfaces are object exposed via ActiveX facilities. However, Mikurak discloses teach interfaces are object exposed via ActiveX facilities (col 15, lines 21-40). Therefore, it would have been obvious to one to of ordinary skill in the art at the time of the invention was made to combine the teachings of Brown and Jochumson with Mikurak. The motivation would have been to use ActiveX component in web pages because ActiveX components create and manage interactive multimedia at the Web site on Microsoft platform and can be easily integrated with SQL Server or other Microsoft products).

17. As per claim 10, the claim is rejected for the same reasons as claim 3, above. In addition, Mikurak discloses the applications is chosen from a group of applications:

- A. consumer survey applications (col 131, lines 5-15);
- B. Web access applications (col 38, lines 7-38);

C. educational applications, including health education applications and computer-based lesson applications and testing applications (col 38, lines 7-38);

D. screening applications, including patient screening applications and consumer screening applications (col 150, lines 20-49);

E. health risk assessment applications (col 150, lines 20-49);

F. monitoring applications, including health data monitoring applications and consumer preference monitoring applications (col 150, lines 20-49);

G. compliance applications, including applications that generate notifications of compliance related activities, including notifications regarding health or product maintenance (col 150, lines 20-49);

H. test results applications, including applications that provide at least one of lab test results, standardized tests results, consumer product test results, and maintenance results (col 150, lines 20-49); and

I. linking applications, including applications that link two or more of the applications in parts A through H (col 38, lines 7-38).

Response to Arguments

18. Applicant's arguments with respect to claims 1-4, 7-10, and 19 have been considered but are moot in view of the new grounds of rejection.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,400,806

U.S. Patent 5,983,190

U.S. Patent 5,642,519

U.S. Patent 6,369,821

U.S. Patent 6,895,084

U.S. Patent 6,377,928

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee

pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS

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